

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

IN RE:

James H. Hays

Joann B. Hays

CHAPTER 13

CASE NO. 04-40337 pwb

JUDGE : BONAPFEL

Debtors.

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James H. Hays

Joann B. Hays

Movants,

Vs.

Paul Davis Restoration, Inc.

Respondent.

**MOTION TO AVOID LIEN**

The Motion of Movant respectfully presents:

1.

Movant files this Motion pursuant to 11 U.S.C. Section 522(f) and Bankruptcy Rule 4003(d) to avoid the nonpossessory, nonpurchase money lien on certain of Movants' personal property.

2.

The existence of the Respondent's lien on Movant's personal property impairs exemptions allowed to the Movants pursuant to 11 U.S.C. Section 522(b) and O.C.G.A. 44-13-100(A) (1)(4) and (6).

WHEREFORE, Movants pray for judgment against the Respondent for the cancellation and avoidance of the nonpossessory, nonpurchase lien on the personal property, to the extent said security interest impairs exemptions allowed to the Movants pursuant to 11 U.S.C. Section 522(b) and O.C.G.A. 44-13-100 (a)(1)(4) and (6), and for such other and further relief as is just.

Respectfully submitted,

/S/\_\_\_\_\_

Brian R. Cahn

GA Bar No. 101965

Perrotta & Cahn, P.C.

102 North Bartow Street

Cartersville, GA 30120 (770) 382-8900

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**NOTICE OF REQUIREMENT OF RESPONSE  
TO MOTION OT AVOID LIEN ON EXEMPT PROPERTY AND OF TIME TO  
FILE SAME**

**NOTICE IS HEREBY GIVEN** that a Motion to Avoid Lien on exempt property pursuant to 11 U.S.C. Section 522 has been filed in the above styled case on **February 3, 2004.**

NOTICE IS FURTHER GIVEN that, pursuant to BLR 6008-2, the Respondent must file a response to the Motion within 20 days after service, exclusive of the day of service, and serve a copy of same on Movant. In the event that no response is timely filed and served, then the Bankruptcy Court may enter an Order granting the relief sought. This \_\_\_3\_\_\_ day of \_\_February\_\_\_\_\_, 2004.

Respectfully submitted,

/S/\_\_\_\_\_

Brian R. Cahn

Attorney for Movant

Ga. Bar No. 101965

Perrotta & Cahn, P.C.  
102 North Bartow Street  
Cartersville, GA 30120

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the Trustee with a copy of the within and foregoing MOTION TO AVOID LIEN AND NOTICE OF SAME, with the copies of the within and foregoing pursuant to Local Rule 760-2(e), by placing copies of the same in the United States Mail with sufficient postage affixed thereon, properly addressed:

Chapter 13 Trustee  
Mary Ida Townson  
Suite 300, The Equitable Bldg.  
100 Peachtree St. NW  
Atlanta, GA 30303

Paul Davis Restoration, Inc.  
Registered Agent: Robert Brazier  
303 Peachtree St. NE  
Ste 4300  
Atlanta, GA 30308

Paul Davis Restoration of Rome  
2753 Cedartown Hwy.  
Rome, GA 30161

This \_\_\_\_3\_\_\_\_ day of \_February\_\_\_\_\_,2004.

Respectfully submitted,

/S/\_\_\_\_\_  
Brian R. Cahn  
GA Bar No. 101965

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102 North Bartow Street  
Cartersville, GA 30120  
(770) 386-4752